



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TJR  
Docket No: 1999-00  
1 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 31 October 1973 at the age of 18. Approximately six months later, on 30 May 1974, you received nonjudicial punishment (NJP) for failure to obey a lawful order. The punishment imposed was a \$50 forfeiture of pay, reduction to paygrade E-2, and extra duty for 14 days.

Your record reflects that on 20 January 1975 you were convicted by civil authorities of petty larceny and sentenced to pay \$26 in restitution and a \$100 fine. Shortly thereafter, on 7 March 1975, you received NJP for three incidents of failure to obey a lawful order. The punishment imposed was forfeitures totalling \$100, extra duty for 20 days, and a reduction in rate, which was suspended for six months. On 31 March 1975, after undergoing a medical examination, you were diagnosed with pes planus, and recommended for an administrative separation. Subsequently, you were processed for an administrative separation by reason of a physical disability due to the diagnosed pes planus. The discharge authority directed your commanding officer to issue you a general discharge under honorable conditions by reason of physical disability, and on 15 April 1975 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.6. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that because you were separated for medical reasons and served without disciplinary infractions, the characterization of your discharge should not be less than honorable. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given your misconduct in both the military and civilian communities. The Board also noted that your conduct average was insufficiently high to warrant a fully honorable characterization of service. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director